

DEC 10 1997
RULE 63 (37 C.F.R. 1.63)
DECLARATION AND POWER OF ATTORNEY
FOR PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name, and I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled NETWORK DELIVERY OF INTERACTIVE ENTERTAINMENT COMPLEMENTING AUDIO RECORDINGS the specification of which (CHECK applicable BOX(ES)).

is attached hereto.

X was filed on 4/15/97 as U.S. application Serial No. 08/838,082

was filed as PCT international application No. PCT/ / on and (if applicable to U.S. or PCT application) was amended on

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with 37 C.F.R. 1.56(a) and 35 U.S.C. 102. I hereby claim foreign priority benefits under 35 U.S.C. 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date (1) before that of the application on which priority is claimed, or (2) if no priority claimed, before the filing date of this application:

PRIOR FOREIGN APPLICATION(S)

PRIORITY CLAIMED

Number Country Day/MONTH/Year Filed

YES NO

I hereby claim the benefit under 35 U.S.C. 120/365 of all United States and PCT international applications listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in such prior applications in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose material information as defined in 37 C.F.R. 1.56(a) which occurred between the filing date of the prior applications and the national or PCT international filing date of this application:

PRIOR U.S. OR PCT APPLICATION(S)

Status: patented,

Application Serial No.

Day/MONTH/Year

pending, abandoned

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

And I hereby appoint IRELL & MANELLA LLP, 1800 Avenue of the Stars, Suite 900, Los Angeles, California 90067, telephone number (310) 277-1010 (to whom all communications are to be directed) and Norman E. Brunell, Registration No. 26,533; Robert Steinberg, Registration No. 33,144; Bruce D. Kuyper, Registration No. 33,937; Gary Frischling, Registration No. 35,515; Soyeon Pak Laub, Registration No. 39,266; Flavio Rose, Registration No. 40,791; and Sam Lu, Registration No. 40,707; (all of the same address), and any and all attorneys associated therewith after this date, individually and collectively my attorneys to transact all business in the Patent and Trademark Office connected therewith and with the resulting patent.

1) INVENTOR'S SIGNATURE Dale Tyson Roberts Date December 8th, 1997
Inventor's Name (typed) DALE TYSON ROBERTS United States
First MI Family Name Citizenship

Residence Sausalito (State/Foreign Country) California 94965
Post Office Address (Include Zip Code) 164 Spencer Avenue

2) INVENTOR'S SIGNATURE Ann E. Greenberg Date Dec 8, 1997
Inventor's Name (typed) ANN E. GREENBERG United States
First MI Family Name Citizenship

Residence San Anselmo (State/Foreign Country) California 94560
Post Office Address (Include Zip Code) 216 San Francisco Boulevard

3) INVENTOR'S SIGNATURE _____ Date _____
Inventor's Name (typed) _____
First MI Family Name Citizenship

Residence _____ (State/Foreign Country) _____
Post Office Address (Include Zip Code) _____

Attorney's Docket No. 1364.1001-D5/RAGApplicant or Patentee: Dale Tyson ROBERTS et al.Serial or Patent No.: (Div. of 09/060,876)Filed or Issued: (Concurrently)For: SYSTEM FOR COLLECTING USE DATA RELATED TO PLAYBACK OF RECORDINGS**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY
STATUS (37 CFR 1.9(f) and 1.27(c)) -- SMALL BUSINESS CONCERN**

I hereby declare that we are

- ☐ the owner of the small business concern identified below:
☒ officials of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN CDDDB, INC.ADDRESS OF CONCERN 12955 Old Meridian Street, Suite 107Carmel, IN 46032

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third-party or parties controls or has the power to control both.

I hereby declare that all rights under contract or law have been conveyed, to and remain with the small business concern identified above with regard to the invention, entitled SYSTEM FOR COLLECTING USE DATA RELATED TO PLAYBACK OF RECORDINGS

by inventor(s) Dale Tyson Roberts et al.

described in

- ☒ the specification filed herewith.
☐ application serial no. _____, filed _____.
☐ patent no. _____, issued _____.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

***NOTE:** Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities (37 CFR 1.27).

NAME

ADDRESS

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

NAME

ADDRESS

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small business entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Nora Doherty

TITLE OF PERSON OTHER THAN OWNER Vice President

ADDRESS OF PERSON SIGNING 12955 Old Meridian Street, Suite 107, Carmel, IN 46032

SIGNATURE

Nora Doherty

Date:

Aug 18, 1999

S&H 8/99